

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
Plaintiff,) **8:08CR175**
)
vs.) **ORDER**
)
JOHN GORDON,)
CHERI HOOSE,)
LEE ADKINS,)
DAVID KENDALL,)
SHELLY WEST and)
TINA MORROW,)
)
Defendants.)

This matter is before the court on the motions to extend the time for filing pretrial motions and to continue trial by defendants John Gordon (Filing No. 40), Cheri Hoose (Filing No. 39), Lee Adkins (Filing No. 36), David Kendall (Filing No. 38), and Tina Morrow (Filing No. 37). Defendants seek an extension of time until June 27, 2008, in which to file pretrial motions in accordance with the progression order (Filing No. 24). Also sought is a continuance of the trial scheduled for June 30, 2008. The motions will be granted.

IT IS ORDERED:

1. The motions to extend (Filing Nos. 36, 37, 38, 39 and 40) are granted. All defendants are given **until June 27, 2008**, in which to file any pretrial motions in accordance with the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **May 28, 2008 and June 27, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due

diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The motions to continue the previously scheduled trial (Filing No. 40) is granted. The trial date of June 30, 2008, is cancelled and will be rescheduled following the disposition of any pretrial motions filed in accordance with this order.

DATED this 28th day of May, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge